

REMARKS

On page 2 of the Office Action, the Examiner requires restriction between the inventions of Group I (claims 1 to 14 and 23 to 31), Group II (claims 15 to 18), and Group III (claims 19 to 22 and 32 to 37) Applicant hereby confirms the election of Group I, claims 1 to 14 and 23 to 31, without traverse.

In the foregoing amendment, non-elected claims 15 to 22 and 32 to 37 have been canceled. Applicant reserves the right to file a divisional application directed to the non-elected claims before prosecution of the current application is complete.

The Examiner has also raised some rejections of claims 1 to 14 under 35 USC 112, second paragraph. Claims 10 to 14 have been canceled in the foregoing amendment. Claims 1 to 9 have been amended to overcome the rejections under 35 USC 112, as follows:

Claim 1, line 12, the phrase "said upper arched jamb member" has been amended to delete the word "upper", so that it now reads "said arched jamb member". This phrase has proper antecedent basis in the claim.

Claim 3 has been amended to delete "first and", and now properly refers to the second angled cuts of the upright jamb members.

Claim 4 has been amended to delete "and second", and now properly refers to the first angled cuts of the arched jamb member. Other minor clarifying amendments have been made in this claim, to specify that each of the first angled cuts forms a protrusion which fits into the notch of the adjacent upright jamb member.

Claim 5 has been amended to delete "two-sided" and to refer to the first and second angled cuts as standard right-angled end cuts and notches, respectively.

Claim 6 has been amended to delete "two-sided" (both occurrences), and instead refers to each of the angled cuts as having two sides.

Claim 8 has been amended to delete "and second", as suggested by the Examiner.

Claim 9 has been amended to delete "first and", as suggested by the Examiner.

It is submitted that the foregoing amendments deal with all of the Examiner's rejections under 35 USC 112, second paragraph, and reconsideration and reversal of these rejections is respectfully requested.

On pages 5 to 7 of the Office Action, the Examiner has rejected claims 1 to 14 as anticipated by Kelly et al. As noted above, claims 10 to 14 have been canceled. Claims 2 to 9 have been amended to depend from independent claim 23, which is not rejected based on Kelly, and it is submitted that this amendment avoids the rejection of these claims based on Kelly. Finally, claim 1 has been amended to include the subject matter of allowable claim 24, and it is therefore submitted that this claim should also now be allowable over Kelly.

It is submitted that the foregoing amendments deal with all of the rejections of claims 1 to 9 based on Kelly, and reconsideration and reversal of these rejections is respectfully requested.

On pages 7 to 9, claims 1 to 14 and 23 are rejected as anticipated by Cates. This rejection is hereby traversed. As noted above, claim 1 has been amended to include the subject matter of allowable claim 24, and should therefore now be distinguished from both Cates and Kelly. Claims 2 to 9 now depend from claim 23, and it is submitted that claim 23 is not anticipated by Cates since this reference lacks a number of the features of claim 23.

In rejecting claim 23, the Examiner contends that Cates has an arched jamb member 11 having front and rear faces and upright jamb member 10 having front and rear faces and of predetermined width "so that the front and rear faces of the upright member are substantially flush with the front and rear faces of the arched jamb

member.” This is incorrect. Cates is concerned with an arched roof construction, not an arched jamb assembly for defining an opening in a wall. In Cates, a plurality of arch members 11 extend transversely at spaced intervals between the upper ends of two walls 10 (see column 2, lines 21 to 26 of Cates). A wall is not equivalent to an upright jamb or column as defined in claim 23, and wall 10 does not have opposite front and rear faces flush with the front and rear faces of any one of the arch members 11.

Instead, the upper edge of the wall extends completely across the ends of each of the spaced arch members 11. Amended claim 23 defines an upright jamb member with an inner face which faces the other jamb member, and opposite front and rear faces. The inner face of wall 10 of Figure 1 of Cates is the right hand side face in this drawing. This wall does not have a front and rear face in the sense defined in amended claim 23, but instead will extend continuously between the opposite corners of the room. It clearly does not have a front and rear face with a predetermined width between the front and rear faces being substantially equal to the width between the front and rear face of any particular arch member 11, nor does it have any faces which are substantially flush with the front and rear faces of an arch member 11. This would be impossible in Cates’ roof construction consisting of spaced arch constructions supported on two walls 10.

Therefore, Cates does not disclose or suggest all of the structural limitations of claim 23, and it is submitted that amended claim 23 is not anticipated or obvious in view of Cates.

Claims 2 to 9 depend from amended claim 23, and are distinguished from Cates for the same reasons as claim 23.

Reconsideration and reversal of the rejections of claims 1 to 9 and 23 as anticipated by Cates is therefore respectively requested.

On pages 9 to 10, the Examiner has rejected claims 8 and 9 as obvious in view of Kelly. Claims 8 and 9 have been amended to depend from claim 23, which has not been rejected as anticipated or obvious in view of Kelly. It is therefore submitted that claims 8 and 9 are similarly distinguished from Kelly, and reconsideration and reversal of the rejection of these claims on this basis is respectfully requested.

The Examiner states on page 10 that claims 24 to 31 would be allowable if rewritten in independent form to include the subject matter of the base claim and any intervening claim. In the foregoing amendment, claim 24 has been rewritten independently to include the subject matter of claim 23, from which it previously depended. It is therefore submitted that claim 24 should now be allowable. Claims 25 to 31 depend from amended claim 24 and should also now be allowable, and notice to this effect is earnestly solicited.

On page 11 of the Office Action, the Examiner has rejected claims 1 to 7, 10 to 14, and 23 on obviousness type double patenting grounds. Enclosed herewith is a terminal disclaimer signed by the applicant, along with the terminal disclaimer fee. It is submitted that this overcomes the double patenting rejection of claims 1 to 7 and 23 (claims 10 to 14 have been canceled), and reversal of this rejection is respectfully requested.

It is believed that the foregoing amendment and argument and the enclosed terminal disclaimer deal with all outstanding grounds of objection and rejection, and that claims 1 to 9 and 23 to 31, all claims now remaining in this application, are now in order for allowance. Early notice to this effect is earnestly solicited. If there are any outstanding rejections which could be dealt with by means of a telephone interview, the Examiner is requested to contact the undersigned representative.

Respectfully submitted,

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